

Minutes Tempe Police Public Safety Personnel Retirement System Board April 6, 2017

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, April 6, 2017, 2:00 p.m., in Tempe City Hall, Third Floor Conference Room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Steven Methvin
Jim Foley
Kelly McMenemy
Bill Goodman

Board Members Absent:

Jeff Millen

City Staff Present:

Renie Broderick, Internal Services Director
Wendy Messina, HR Program Coordinator
Ashley Hayashi, HR Technician

Legal Counsel Present:

Cynthia Kelley
Dale Norris

Chair Steven Methvin called the meeting to order at 2:07 p.m.

ITEM I – Consideration of Meeting Minutes:

Motion by Kelly McMenemy to approve the March 2, 2017 Board Meeting Minutes and the March 2, 2017 Executive Session Minutes; second by Jim Foley. Motion passed on a voice vote 4-0.

ITEM II - Public Appearances:

Rob Ferraro with the Tempe Officers Association made the Board aware of member concerns in the upcoming PSPRS board election. Mr. Ferraro said members were concerned that they could only place one vote to fill two vacancies as they feel the second Boardmember elected will not be representative of the members' will. Local Board Secretary Renie Broderick asked if in her role she would be able to stay the election until the concerns could be addressed at a future Board Meeting. Ms. Kelley stated the election could be stayed, and Boardmember Millen's term would be extended during the interim. The Board agreed to add the item to the next meeting's agenda.

ITEM III - Motion to Adjourn to Executive Session, if necessary:

Motion to adjourn to Executive Session by Kelly McMenemy; second by Jim Foley. Motion passed on a voice vote 4-0. Board adjourned to Executive Session at 2:11 p.m. The Board meeting reconvened at 2:52 p.m.

ITEM IV – New Members

Motion by Kelly McMenemy to accept the New Member applications of **Christopher A. Anderson, Alexandra K. Bezuyen, Robert J. Blake, Bret T. Crowe, Kale W. Kauppi (lateral), Justin W. Lapinskas, Elizabeth M. Marrufo, David Rodriguez, Nadine Salameh, and Taylor R. Vick**; second by Jim Foley. Motion passed on a voice vote 4-0.

Motion by Kelly McMenemy modified to accept the New Member applications of **Alexandra K. Bezuyen, Robert J. Blake, Bret T. Crowe, Kale W. Kauppi, Justin W. Lapinskas, Elizabeth M. Marrufo, David Rodriguez, Nadine Salameh, and Taylor R. Vick**. Second by Bill Goodman. Motion passed on a voice vote 4-0.

Motion by Kelly McMenemy to accept the New Member applications of **Christopher A. Anderson and Deaton F. Wilson** with pre-existing conditions as noted in the medical file. Second by Jim Foley. Motion passed on a voice vote 4-0.

ITEM V – Prior Service:

The Board acknowledged the transfer of service by Charles Pheanis of 0.403 years of prior ASRS service and by Timothy Spruyt of 0.641 years of prior ASRS service.

ITEM VI – Retirement Application:

Motion by Kelly McMenemy to approve the application of **John Rush** for a normal retirement with a retirement date of April 7, 2017; second by Bill Goodman. Motion passed on a voice vote 4-0.

ITEM VII – Initial Hearing on Application for Accidental Disability Benefits:

Chair Methvin opened the initial hearing on the application by **Matthew G. Murray** for Accidental Disability Benefits by stating at today's hearing the Board must determine whether the medical and other documentation submitted by Mr. Murray is sufficient to conclude that the statutory pre-requisites are satisfied. Dale Norris, legal counsel to Matthew G. Murray, introduced himself to the board and requested an adjournment to Executive Session.

Motion to adjourn to Executive Session by Kelly McMenemy; second by Jim Foley. Motion passed on a voice vote 4-0. The Board adjourned to Executive Session at 3:04 p.m. The Board meeting reconvened at 3:07 p.m.

Chair Methvin asked if anyone wished to address the Board on this item; no one did so. Chair Methvin asked if there was any discussion on this item; there was none.

Motion by Kelly McMenemy to deny the Application for Accidental Disability Benefits of **Matthew G. Murray** due to a lack of medical records; second by Bill Goodman. Motion passed on a voice vote 4-0.

Chair Methvin read the following questions from the Form P5-LB-A and the Board answered them verbally for the record:

1. Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee? **YES**
2. Did (or will) the employee terminate by reason of a disability? **NO**
3. Did employment terminate based on a disciplinary issue? **NO**
4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability? **NO**
5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties positions? **NO**
6. Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties? **NO**
7. Did the injury or condition occur prior to the current PSPRS membership date? **NO**
8. Was the injury or condition the result of an event incurred during the performance of the employee's duty? **YES**

ITEM VIII – Survivor's Benefits – Notification of Deceased Beneficiary

The Board acknowledged the February 24, 2017 death of Toni A. Kuhl, survivor of Robert Hawk, and noted that per the State Administrator's Office there are no other survivors eligible to receive benefits.

Item IX - Annual Review of Members Receiving Disability Benefits:

Local Board Secretary Renie Broderick noted that the Board had asked staff to outline options for reviewing members receiving disability benefits. Ms. Broderick stated the Arizona Post-Certification is active for 3 years after a medical disability. Ms. Broderick said some options would be to re-examine all those on disability every two years, or to allow the committee to determine if a two year re-examination would take place based on years remaining to 20 years of service and the severity of the disability.

Boardmember Foley stated that another option would be to review disability status only when complaints or concerns on an individual are brought to the Board's attention. Ms. Kelley stated that most jurisdictions use this option.

Boardmember McMenemy stated she liked the option of a two-year standard re-examination, with the Board having authority to decide not to re-examine based on disability type. Boardmember McMenemy stated she felt a re-examination would also act as a deterrent to abuse of the disability system.

Wendy Messina, HR Program Coordinator, stated approximately 5-6 members are currently on disability who have not yet reached 20 years of service. Boardmember Goodman asked about the cost of an IME. Ms. Messina said the average cost of an IME is \$2,500.

The Board discussed the feasibility of rehiring members who have been re-examined and no longer qualify for disability. Boardmember McMenemy asked audience member Commander Mike Horn for his input. Commander Horn stated that the Police Department would still use the normal hiring standards, and if a re-examined member could not pass the background process they would not be offered a sworn position.

Boardmember McMenemy stated that the Board as an impartial body should not consider the cost of an IME or the rehiring process at the Police Department. Boardmember McMenemy said that the worst case scenario would be the lost cost of an IME if the Police Department would not rehire a re-examined member, however the cost would be outweighed by the deterrent of abuse of the system. Ms. Messina stated she would put together an education piece to let members know about the re-examination process. Ms. Broderick said she would prepare language for a vote at the next meeting.

ITEM X – PSPRS State Administrator Updates

Ms. Broderick stated the March 9, 2017 Hall Lawsuit Update, the March 10, 2017 Corrected Pension Reform Matrix of Changes, and the March 21, 2017 Pension Reform Event Update were previously forwarded to the Board and also provided to them in their meeting packets.

Ms. Broderick stated there was an educational Webinar to be held April 14, 2017 for training on PSPRS changes.

ITEM XI – Future Meeting Date:


The next meeting is scheduled for May 4, 2017.

ITEM XII - Future Agenda Items:

Review of PSPRS Board Member election process for filling two vacancies.

Adjournment

Motion to adjourn by Jim Foley; second by Kelly McMenemy. Motion passed unanimously on a voice vote 4-0. The meeting adjourned at 3:32p.m.



Renie Broderick
Local Board Secretary